

16447 U.S. PTO
10/608092
06/30/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450



21839

Sir:

This is a request for filing a [] continuation [X] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/765,291 filed on January 22, 2001, for CHROMOSOME-SPECIFIC STAINING TO DETECT GENETIC REARRANGEMENTS, by the following named inventor(s):

(a) Full Name Joe W. GRAY
(b) Full Name Daniel PINKEL
(c) Full Name Douglas TKACHUK

- [] Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- [X] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- [] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

(a) Full Name _____
(b) Full Name _____
(c) Full Name _____

- [] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

(a) Full Name _____
(b) Full Name _____
(c) Full Name _____

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- [] Applicant(s) suggests Figure for inclusion on the front page of the patent application publication and/or patent.
 - [] Applicant(s) requests that the published application include the following assignment information: .
1. [X] Enclosed is a copy of the prior Application No. 09/765,291 as originally filed on January 22, 2001, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
 2. [] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
 3. [] Small entity status is hereby claimed.
 4. [X] The filing fee is calculated below [X] and in accordance with the enclosed preliminary amendment:

| CLAIMS | | | | | |
|--|---------------|------------|--------------|--------------------|-----------------|
| | NO. OF CLAIMS | | EXTRA CLAIMS | RATE | FEE |
| Basic Application Fee | | | | | \$750.00 (1001) |
| Total Claims | 17 | MINUS 20 = | --- | × \$18.00 (1202) = | |
| Independent Claims | 3 | MINUS 3 = | --- | × \$84.00 (1201) = | |
| If multiple dependent claims are presented, add \$280.00 (1203) | | | | | |
| Total Application Fee | | | | | \$750.00 |
| If small entity status is claimed, subtract 50% of Total Application Fee | | | | | |
| Add Assignment Recording Fee of \$ <u> </u> if Assignment document is enclosed | | | | | " |
| TOTAL APPLICATION FEE DUE | | | | | \$750.00 |

5. [] This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. [X] Charge \$ 750.00 to Deposit Account No. 02-4800 for the fee due.
7. [] A check in the amount of \$ is enclosed for the fee due.
8. [X] The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

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9. [] Cancel in this application original claims __ of the prior application before calculating the filing fee.

10. [X] New drawings are enclosed.

11. [] Priority of Application No. __ filed on __ in __ (country) is claimed under 35 U.S.C. § 119.

[] The certified copy of the priority application

[] is enclosed.

[] was filed on __ in prior Application No. __, filed on __, and acknowledged by the Examiner on __ in Paper No. __.

[] has not yet been filed.

12. [x] Please amend the specification by replacing the first paragraph with the following:

[x] --This application is a [] continuation [X] divisional of Application No. 09/765,291, filed on January 22, 2001; which is a continuation of 07/382,094, filed July 19, 1989 (now abandoned); which is a continuation in part of 07/444,669, filed December 1, 1989 (now abandoned); which is a continuation in part of 07/497,098, filed March 20, 1990 (now abandoned); which is a continuation of 08/537,305, filed June 12, 1990 (now abandoned); which is a continuation of 08/054,353, filed April 28, 1993 (now abandoned); which is a continuation of 08/181,367, filed January 14, 1994 (now abandoned); which is a continuation of 08/342,028, filed November 16, 1994 (now abandoned); which is a divisional of 08/487,974, filed June 7, 1995.--

[] --This application is a [] continuation [] divisional of U.S. Application No. __, filed on __, which was a national stage filing under 35 U.S.C. § 371 of International Application No. __ filed on __.--

[] --This application is a [] continuation [] divisional of U.S. Application No. __, filed on __, which was a continuation of International Application No. __, filed on __.--

13. [X] A preliminary amendment is enclosed.

14. [] An Information Disclosure Statement is enclosed.

15. [] A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

16. [] Also enclosed __.

17. [X] The power of attorney in the prior application is to R. Danny Huntington, Reg. No. 27,903.

a. [] The power appears in the original papers in the prior application.

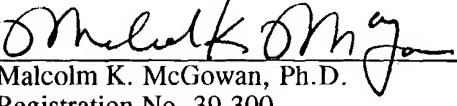
b. [X] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

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- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. Recognize as Associate Attorney Malcolm K. McGowan, Ph.D., Reg. No. 39,300.
- d. Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: June 30, 2003

By: 
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

ADDRESS OF SIGNATOR:

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inventor(s)
 assignee of complete interest
 attorney or agent of record
 filed under 37 C.F.R. § 1.34(a)